IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO. 52 OF 2007

IN

LETTERS PATENT APPEAL ST. NO. 17850 OF 1997

IN

WRIT PETITION NO. 5456 OF 1995

VICE CHANCELLOR, MAHATMA PHULE
KRISHNI VIDYAPEETH, RAHURI,
DIST. AHMEDNAGAR. ... APPLICANTS.

VS.

SOU. CHHABABI UTTAM KAMATE
AND ORS. ... RESPONDENTS.

SMT. NEETA KARNIK FOR THE APPLICANT.

NONE FOR THE RESPONDENTS.

CORAM : J.N.PATEL & A. A. SAYED, JJ.

DATE : June 18, 2007.

P.C.

1. The Roznama shows remark in respect of the Respondent No.3, who has expired as "not found at the time of service" goes to show the casual manner in which writ of this Court is served by the Bailiffs. We

therefore, direct the Registrar Judicial to obtain the Report of the Judge concerned, who is looking after day-to-day work of the Bailiffs. After conducting the necessary enquiry into the matter, Report be sent to this Court within four weeks.

2. In view of the fact that none of the Legal Representatives of the Respondent No.3 appeared and contested the matter and taking into consideration the reasons given in the application for condonation of the delay to bring the LR's on record, the delay in bringing the LR's on record is condoned. We permit the appellant to substitute the LR's and set aside the abatement and direct the appellant to bring the LR's on record by making necessary amendment, which shall be carried out within four weeks from the date of this Order.

3. Thereafter, issue notice to the LR's, after the Appellant gets the LPA duly registered by removing all the office objections.

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[A. A.Sayed, J] [J.N.Patel, J.]